REMARKS

Claim rejections under 35 USC 101

Claim 23 has been rejected under 35 USC 101 as being directed to non-statutory subject matter, because the recited "computer-readable medium" is stated in the specification as being able to be a recordable data storage medium or a modulated carrier signal, and a modulated carrier signal is not statutory subject matter. Applicant has amended claim 23 so that the computer-readable medium is particularly a tangible computer-readable recordable data storage medium, and submits that claim 23 now satisfies 35 USC 101. Applicant recognizes that different examiners have different views as to what amendments are needed to satisfy 35 USC 101, and if the Examiner believes that this amendment to claim 23 does not satisfy 35 USC 101, Applicant requests that the Examiner indicate what language should be added to claim 23 to render it statutory under 35 USC 101.

Claim rejections under 35 USC 103 as to Hamilton in view of Barmettler

Claims 1-9, 12, 15-18, 20-21, and 23-24 have been rejected under 35 USC 103(a) as being unpatentable over Hamilton (7,107,330) in view of Barmettler (2003/0023770). Claims 1, 15, 20, and 23 are independent claims, from which the remaining claims rejected on this basis ultimately depend. Applicant submits that as originally presented and as amended, claims 1, 15, 20, and 23 are patentable over Hamilton in view of Barmettler, such that the other claims rejected on this basis are patentable at least because they depend from patentable base independent claims.

First reason why claims 1, 15, 20, 23 are patentable over Hamilton in view of Barmettler

Claims 1, 15, 20, and 23 as originally presented are each limited to "master driver file" that has "entries for the drivers" created therein. Hamilton in view of Barmettler does not teach, disclose, or suggest this claim language. The Examiner has stated that column 3, lines 50-54 of Hamilton in particular disclose this aspect of the independent claims. However, this excerpt of Hamilton states that:

> A file is also created within the server computer system. Each client computer system selected to receive and install the device driver is listed within the file. The file includes multiple entries, *one for each client computer system* on which to install the device driver.

In the claimed invention, therefore, there is a master driver file in which entries are created for the drivers. By comparison, in Hamilton in view of Barmettler, the file in question has entries created therein for the client computer systems – not for the drivers. Each client computer system is listed within an entry created within the file in Hamilton in view of Barmettler, not each driver, in contradistinction to the invention. For at least this reason alone, Hamilton in view of Barmettler does not render the invention *prima facie* obvious under 35 USC 103(a).

Second reason why claims 1, 15, 20, 23 are patentable over Hamilton in view of Barmettler

Claims 1, 15, 20, and 23 as amended are each limited to the "unattended installation file [being] a different file than the master driver file." Thus, there are two files in the claimed invention: an unattended installation file, and a master driver file. (See, e.g., FIGs. 2D and 2E of the patent application as filed, in which there are two files: the unattended installation file 208 and the master driver file 202.) Hamilton in view of Barmettler does not teach, disclose, or suggest this claim language. The Examiner has stated that column 3, lines 50-61 of Hamilton in particular discloses the file-related limitations of the independent claims. However, this excerpt of Hamilton references just a single file, "[a] file" on line 50 of column 3, for instance. As such, there are not two different files, an unattended installation file and a master driver file, in Hamilton in view of Barmettler, in contradistinction to the claimed invention. For just this reason as well, Hamilton in view of Barmettler does not render the invention *prima facie* obvious under 35 USC 103(a).

Claim rejections under 35 USC 103(a) as to Hamilton, Barmettler, and Platt

Claims 10, 13-14, 22, and 25 have been rejected under 35 USC 103(a) as being unpatentable over Hamilton in view of Barmettler, and further in view of Platt (5,421,009). Claims 10, 22, and 25 are dependent claims, depending ultimately from the independent claims discussed above, and therefore are patentable at least because their base independent claims are patentable as discussed above. Claim 13 is an independent claim, from which claim 14 ultimately depends. Applicant submits that claim 13 is patentable over Hamilton in view of Barmettler, and further in view of Platt for at least the same reasons that claims 1, 15, 20, and 23 are patentable over Hamilton in view of Barmettler alone, as has been discussed above. That is, the addition of Platt does not cure the omission of Hamilton in view of Barmettler discussed above. Claim 14 is thus patentable at least because it depends from a patentable base independent claim, claim 13.

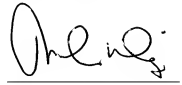
Claim rejections under 35 USC 103(a) as to Hamilton, Barmettler, and Maxwell

Claims 11 and 19 have been rejected under 35 USC 103(a) as being unpatentable over Hamilton in view of Barmettler, and further in view of Maxwell (6,567,860). Claims 11 and 19 are dependent claims, depending ultimately from the independent claims discussed above, and therefore are patentable at least because their base independent claims are patentable as discussed above.

Conclusion

Applicants have made a diligent effort to place the pending claims in condition for allowance, and request that they so be allowed. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney so that such issues may be resolved as expeditiously as possible. For these reasons, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,



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Michael A. Dryja, Reg. No. 39,662
Attorney/Agent for Applicant(s)

Law Offices of Michael Dryja
1474 N Cooper Rd #105-248
Gilbert, AZ 85233
tel: 425-427-5094
fax 425-563-2098